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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,801	01/26/2004	Reiner Kraft	SVL920030117US1	9772

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EXAMINER

LEE, WILSON

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2163

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/764,801	Applicant(s) KRAFT ET AL.	
	Examiner Wilson Lee	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections – 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-9 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. Claim 1 does not state that the method can be executable by a processor. Further, it lacks any hardware component (processor, I/O device, memory, etc) to enable the method.

Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a test of whether the invention is categorized as a process, machine, manufacture or composition of matter and if the invention produces a useful, concrete and tangible result. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) are found to be non-statutory subject matter.

The means for system are seemingly software components. It is merely functional descriptive material and is nonstatutory. The claims lack any essential hardware means (processor, I/O device, memory, etc) to construct the computer system, therefore the so-called hardware logic is not interpreted by the Examiner as part of the system means recited in the claims.

Claims 10-27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 10-27 are non-statutory due to claiming a software product or an abstract program. When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8.

Claim Rejections – 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-27 are vague due to the fact that it is uncertain they can operate or not.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

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Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-27, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Weissman et al. (US 2004/0243581).

Regarding Claim 1, Weissman discloses that a method for processing anchor text (See paragraphs 0055, 0060), comprising:

- forming a set of anchors (Related Links) that point to a target document (the web page that matched) (See paragraphs 0005, 0048);
- grouping together anchors with same anchor text (See paragraphs 0023-0031);
- computing information a relevant score for each group (See paragraph 0032);
- and
- generating context information for the target document based on the computed relevance score, wherein a title is composed from text of a group with a highest relevance score and a summary of the target document is composed from anchor texts of a number of groups with highest relevance scores (See paragraphs 0023-0025).

Regarding Claim 2, Weissman discloses the method further comprising:

- determining a language of each document in a collection of documents (See paragraph 0038);

- determining rank of each document in the collection of documents (See paragraphs 0025, 0032, 0041); and
- determining a proximity class of each document in the collection of documents, wherein the proximity class specifies how close a source document is to the target document (See paragraphs 0032, 0041, 0048).

Regarding Claim 3, Weissman discloses the method further comprising:

- determining a predominant language in the set of anchors (See paragraph 0038); and
- pruning anchors from the set that are not in the predominant language (See paragraphs 0027, 0038-0043).

Regarding Claim 4, Weissman discloses the method further comprising: pruning anchors (filters out) from the set that include at least a portion of a path to the target document. (See paragraphs 0027, 0041).

Regarding Claim 5, Weissman discloses the method further comprising: pruning anchors (filters out) based on a configurable set of words. (See paragraphs 0027, 0041).

Regarding Claim 6, Weissman discloses that computing the relevance score further comprises: computing a weighted sum of occurrences for anchor text for anchors in each group wherein a weight of each individual occurrence of the anchor text is determined by proximity class of an anchor and a weight associated with that proximity class (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 7, Weissman discloses that computing the relevance score further comprises: computing an accumulated rank for each group. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 8, Weissman discloses that computing the relevance score further comprises: computing a linguistic score for each group. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 9, Weissman discloses that computing the relevance score further comprises: generating the relevance score for each group based on a weighted sum of occurrences, an accumulated rank, and a linguistic score. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 10, Weissman discloses a computer system comprising:
hardware logic for:

- forming a set of anchors that point to a target document (the web page that matched) (See paragraphs 0005, 0048);
- grouping together anchors with same anchor text (See paragraph 0032);
- computing a relevance score for each group (See paragraph 0032); and
- generating context information for the target document based on the computed relevance score, wherein a title is composed from text of a group with a highest relevance score and a summary of the target document is composed from anchor texts of a number of groups with the highest relevance scores. (See paragraphs 0023-0025).

Regarding Claim 11, Weissman discloses that in the logic further comprises: determining a language of each document in a collection of documents (See paragraph 0038); determining rank of each document in the collection of documents (See paragraphs 0025, 0032, 0041); and determining a proximity class of each document in the collection of documents wherein the proximity class specifies how close a source document is to the target document. (See paragraphs 0032, 0041, 0048).

Regarding Claim 12, Weissman discloses that the logic further comprises:

- determining a predominant language in the set of anchors (See paragraph 0038); and
- pruning anchors from the set that are not in the predominant language. (See paragraphs 0027, 0038-0043).

Regarding Claim 13, Weissman discloses that the logic further comprises:

pruning (filter out) anchors from the set that include at least a portion of a path to the target document. (See paragraphs 0027, 0041).

Regarding Claim 14, Weissman discloses that the logic further comprises:

- pruning anchors based on a configurable set of words. (See paragraphs 0027, 0041).

Regarding Claim 15, Weissman discloses that the logic for computing information the relevance score further comprises: computing a weighted sum of occurrences for anchor text for anchors in each group, wherein a weight of each individual occurrence of the anchor text is determined by proximity class of an anchor and a weight associated with that proximity class. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 16, Weissman discloses that the logic for computing the relevance score further comprises: computing an accumulated rank for each group. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 17, Weissman discloses that the logic for computing the relevance score further comprises: computing a linguistic score for each group. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 18, Weissman discloses that the logic for computing ins the relevance score further comprises: generating the relevance score for each group based on a weighted sum of occurrences, an accumulated rank, and a linguistic score. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 19, Weissman discloses an article of manufacture comprising one of hardware logic and a computer readable medium including a program for processing anchor text in documents, wherein the hardware logic program causes operations to be performed, the operations comprising: forming a set of anchors that point to a target document (the web page that matched) (See paragraphs 0005, 0048); grouping together anchors with same anchor text (See paragraph 0032); computing a relevance score for each group (See paragraph 0032); and generating context information for the target document based on the computed relevance score, wherein a title is composed from text of a group with a highest relevance score and a summary of the target document is composed from anchor texts of a number of groups with highest relevance scores. (See paragraphs 0023-0025).

Regarding Claim 20, Weissman discloses that the operations further comprise: determining a language of each document in a collection of documents (See paragraph 0038); determining rank of each document in the collection of documents (See paragraphs 0025, 0032, 0041); and determining a proximity class of each document in the collection of documents, wherein the proximity class specifies how close a source document is to the target document. (See paragraphs 0032, 0041, 0048).

Regarding Claim 21, Weissman discloses that the operations further comprise: determining a predominant language in the set of anchors (See paragraph 0038); and pruning anchors from the set that are not in the predominant language. (See paragraphs 0027, 0038-0043).

Regarding Claim 22, Weissman discloses that the operations further comprise: pruning (filter out) anchors from the set that include at least a portion of a path to the target document. (See paragraphs 0027, 0041).

Regarding Claim 23, Weissman discloses that the operations further comprise: pruning anchors based on a configurable set of words. (See paragraphs 0027, 0041).

Regarding Claim 24, Weissman discloses that the operations for computing the relevance score further comprise: computing a weighted sum of occurrences for anchor text for anchors in each group, wherein a weight of each individual occurrence of the anchor text is determined by proximity class of an anchor and a weight associated with that proximity class. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 25, Weissman discloses that the operations for computing the relevance score further comprise: computing an accumulated rank for each group. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 26, Weissman discloses that the operations for computing the relevance score further comprise: computing a linguistic score for each group. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Regarding Claim 27, Weissman discloses that the operations for computing the relevance score further comprise: generating the relevance score for each group based on a weighted sum of occurrences, an accumulated rank, and a linguistic score. (See paragraphs 0019, 0025, 0026, 0029, 0032, 0040-0045).

Response to Argument

Applicant's arguments with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cossock (US 2004/0215606) discloses a method and apparatus for machine learning a document relevance function. Stickler (6,904,454) discloses a method and apparatus for content repository with versioning and data modeling. Cullis (6,087,916) discloses a method for organizing information. Redfern (6,078,914) discloses a natural language meta-search system.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Wilson Lee', written in a cursive style.

WILSON LEE
PRIMARY EXAMINER

1/8/07